IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7715 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

KALUBEN BUDHIYABHAI GARASIA

Appearance:

GOVERNMENT PLEADER for Petitioner

UNSERVED-EXPIRED (R) for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/09/2000

ORAL JUDGEMENT

#. Heard the Learned Counsel for the petitioner. None present for the respondent no.1. The petitioner has challenged the order of the Labour Court Surat in Ref.LCS No.191/97, whereby the reference is partly allowed and

the original workman, the present respondent no.1, is ordered to be reinstated with 25% of backwages by the order dated 11.11.1996. It is stated at the bar that the original respondent no.1 has passed away during the pendency of this petition and names and addresses of her heirs are not known or available at present.

#. On merits, it is submitted that, the respondent was a part time employee and had not completed 240 days of service and hence there was no question of violation of Sec.25F of the I.D.Act 1947 in the facts of this case. However, going through the impugned award, it appears that after appreciation of the evidence and contentions of both the sides, the Labour Court has recorded the finding to the effect that the respondent was a part time sweeper and as such a workman of the petitioner; and that the provisions of Sec.25F were not complied in the matter of termination of her service. No reasons or ground is made out to suggest that the findings of fact were perverse or that the resultant order was in any way illegal. Accordingly, the petition having no substance it is dismissed. Rule is discharged with no order as to costs.

kks